



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-071**

October 29, 2004

Roger Cyr, Jr., Trustee
Fat Boy Realty Trust
126 East Madison Rd
Madison, NH 03849

RE: DES Wetlands File #2003-01277, 126 East Madison Road, Madison

Dear Mr. Cyr:

On April 30, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Madison Tax Map 6 as Lot 18 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiency was documented:

1. Approximately 2,500 square feet of wetlands were filled with a stump/soil berm.

An on-site inspection report was issued to you requesting removal of the stump/soil berm, re-vegetation of the disturbed wetlands, and to provide photos documenting the restoration prior to August 15, 2004. On August 23, 2004, DES learned that the stump/soil berm had been removed and a rock wall had been constructed at the former location of the stump/soil berm. By letter dated August 31, 2004, DES requested removal of the rock wall within jurisdictional wetlands prior to September 10, 2004.

On October 14, 2004, DES conducted another inspection and found the following:

1. The stump/soil berm had been moved away from the property line and out of jurisdictional wetlands bordering the property boundary; and
2. A rock wall had been placed in jurisdictional wetlands where the former stump/soil berm had been located. A portion of the stone wall measuring approximately 100' in length was in wetlands.

In response, you are requested to do the following:

1. By February 1, 2005, remove, under frozen conditions, that portion of the rock wall identified in the field and place out wetlands jurisdiction. Do not place any other fill within the wetlands.
2. By March 1, 2005, provide photos to DES documenting the work done in 1., above.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to

wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

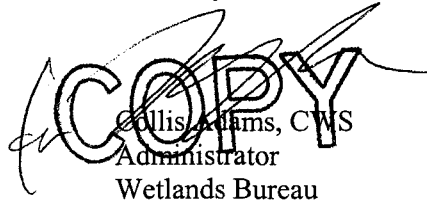
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact me at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,


Collis Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 1160 0005 9765 0919

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Madison Conservation Commission
Madison Board of Selectmen
USACOE